

ORDER FOR SUPPLIES OR SERVICES

PAGE OF PAGES

1

16

IMPORTANT: Mark all packages and papers with contract and/or order numbers.

1. DATE OF ORDER 12/14/2017		2. CONTRACT NO. (If any) EP-W-10-056		6. SHIP TO:				
3. ORDER NO. 0093		4. REQUISITION/REFERENCE NO. PR-OLEM-17-00245		a. NAME OF CONSIGNEE US EPA				
5. ISSUING OFFICE (Address correspondence to) SRRPOD US Environmental Protection Agency Superfund/RCRA Regional Procurement Operations 1200 Pennsylvania Ave, NW Washington DC 20460				b. STREET ADDRESS 1200 Pennsylvania Ave NW				
				c. CITY Washington		d. STATE DC	e. ZIP CODE 20460	
7. TO:				f. SHIP VIA				
a. NAME OF CONTRACTOR ICF INCORPORATED, L.L.C.				8. TYPE OF ORDER				
b. COMPANY NAME				<input type="checkbox"/> a. PURCHASE		<input checked="" type="checkbox"/> b. DELIVERY		
c. STREET ADDRESS 9300 LEE HIGHWAY				REFERENCE YOUR:		Except for billing instructions on the reverse, this delivery order is subject to instructions contained on this side only of this form and is issued subject to the terms and conditions of the above-numbered contract.		
d. CITY FAIRFAX				e. STATE VA	f. ZIP CODE 22031-6050			
9. ACCOUNTING AND APPROPRIATION DATA See Schedule				10. REQUISITIONING OFFICE ORCR				
11. BUSINESS CLASSIFICATION (Check appropriate box(es))							12. F.O.B. POINT Destination	
<input type="checkbox"/> a. SMALL <input type="checkbox"/> b. OTHER THAN SMALL <input type="checkbox"/> c. DISADVANTAGED <input type="checkbox"/> d. WOMEN-OWNED <input type="checkbox"/> e. HUBZone <input type="checkbox"/> f. SERVICE-DISABLED VETERAN-OWNED <input type="checkbox"/> g. WOMEN-OWNED SMALL BUSINESS (WOSB) ELIGIBLE UNDER THE WOSB PROGRAM <input type="checkbox"/> h. EDWOSB								
13. PLACE OF		14. GOVERNMENT B/L NO.		15. DELIVER TO F.O.B. POINT ON OR BEFORE (Date) 10/11/2017		16. DISCOUNT TERMS		
a. INSPECTION Destination	b. ACCEPTANCE Destination							
17. SCHEDULE (See reverse for Rejections)								
ITEM NO. (a)	SUPPLIES OR SERVICES (b)			QUANTITY ORDERED (c)	UNIT (d)	UNIT PRICE (e)	AMOUNT (f)	QUANTITY ACCEPTED (g)
	DUNS Number: 072648579 PIID: "Collection, Analysis, and Summary of State Oil and Natural Gas Exploration, Development, and Production (O&G) Solid Waste Management Regulations" Continued ...							
18. SHIPPING POINT		19. GROSS SHIPPING WEIGHT		20. INVOICE NO.				17(h) TOTAL (Cont. pages)
		21. MAIL INVOICE TO:						
a. NAME		RTP Finance Center				\$0.00		
b. STREET ADDRESS (or P.O. Box)		US Environmental Protection Agency RTP-Finance Center Mail Drop D143-02 109 TW Alexander Drive						17(i) GRAND TOTAL
c. CITY		d. STATE	e. ZIP CODE					
Durham		NC	27711				\$100,000.00	
22. UNITED STATES OF AMERICA BY (Signature)				12/14/2017		23. NAME (Typed) Tiffany Wilson TITLE: CONTRACTING/ORDERING OFFICER		

ORDER FOR SUPPLIES OR SERVICES
SCHEDULE - CONTINUATION

PAGE NO

2

IMPORTANT: Mark all packages and papers with contract and/or order numbers.

DATE OF ORDER 12/14/2017	CONTRACT NO. EP-W-10-056	ORDER NO. 0093
-----------------------------	-----------------------------	-------------------

ITEM NO. (a)	SUPPLIES/SERVICES (b)	QUANTITY ORDERED (c)	UNIT (d)	UNIT PRICE (e)	AMOUNT (f)	QUANTITY ACCEPTED (g)
0001	<p>The purpose of this action is to initiate Task Order 68HEOS18F0001 "Collection, Analysis, and Summary of State Oil and Natural Gas Exploration, Development and Production (O&G) Solid Waste Management Regulations."</p> <p>The contractor shall perform services in accordance with the attached statement of work as stated in the contractor's technical proposal, dated 9/13/17.</p> <p>The Task Order funding amount is established at \$100,000.00, which the contractor is not authorized to exceed. Any expenditure above this amount is at the contractor's own risk.</p> <p>TOCOR: N</p> <p>Admin Office: SRRPOD US Environmental Protection Agency Superfund/RCRA Regional Procurement Operations 1200 Pennsylvania Ave, NW Washington DC 20460</p> <p>Period of Performance: 09/01/2010 to 02/28/2018</p> <p>Collection Analysis, and Summary of State Oil and Natural Gas Exploration, Development, and Production (O&G) Solid Waste Management Regulations</p> <p>Accounting Info: 17-18-B-31H-302DA1-2585-1731HMP006-001 BFY: 17 EFY: 18 Fund: B Budget Org: 31H Program (PRC): 302DA1 Budget (BOC): 2585 DCN - Line ID: 1731HMP006-001 Funding Flag: Complete Funded: \$100,000.00 TOCOR: Bonnie Robinson (703) 308-8429 Robinson.Bonnie@epa.gov</p>					

TOTAL CARRIED FORWARD TO 1ST PAGE (ITEM 17(H))

\$0.00

AUTHORIZED FOR LOCAL REPRODUCTION
PREVIOUS EDITION NOT USABLE

OPTIONAL FORM 348 (Rev. 4/2006)

Prescribed by GSA FAR (48 CFR) 53.213(f)

Task Order Statement of Work

Collection, Analysis, and Summary of State Oil and Natural Gas Exploration, Development, and Production (O&G) Solid Waste Management Regulations

BACKGROUND

With the growth in crude oil and natural gas exploration, development, and production (O&G) has come an increased concern about the potential impact of these activities on public health and the environment. The evolution of the technologies used to explore, develop, produce, and transport these resources (e.g., hydraulic fracturing in conjunction with horizontal drilling of unconventional/low-permeability reservoirs) has shed new light on the wastes associated with these activities, as well as their management and disposal. In light of this dynamic, it is necessary for EPA to understand the management of these waste streams, including the potential impacts to human health and the environment from their improper management. EPA's Office of Resource, Conservation and Recovery is concerned with the proper management of oil and gas (O&G) exploration and production waste.

Wastes generated from O&G activities include, but are not limited to, drilling fluids (muds), cuttings, produced water, and other wastes associated with the exploration, development, and production of crude oil and natural gas. Associated wastes include tank bottoms, sand and other proppant, oil-contaminated soil, fracturing fluid returns (Flowback), and completion fluids. Liquid wastes from these operations are typically disposed in Class II UIC wells managed under the Safe Drinking Water Act (SDWA), however, prior to injection, they can be handled either offsite of the UIC facility or onsite in waste management units such as pits and tanks. The management of solid and liquid O&G wastes can take various forms including the use of onsite storage and disposal in surface impoundments or pits, offsite landfills, offsite impoundments, land spreading, land farming, and beneficial use (e.g., roadspreading).

Wastes generated from O&G activities are generally subject to regulation under RCRA subtitle D (Part 257) and state regulations. Many state governments have specific regulations and guidance for O&G wastes. In addition, some states are developing legislation and regulations in response to the increase in the use of hydraulic fracturing, including requirements related to waste management.

At the federal level, O&G wastes are subject to the requirements of 40 CFR Part 257 addressing; (1) floodplains; (2) endangered species, (3) surface water; (4) groundwater; (5) land application; (6) disease; (7) air, and (8) safety. These requirements are not enforced by EPA, they are rather self-implementing and can be enforced only through citizen suits pursued by citizens or by states.

The management of O&G wastes should occur in a manner that prevents releases of hazardous constituents to the environment, particularly releases that may impact soils, groundwater- and surface water resources. In 2014, EPA reviewed the waste related provisions of state regulations for oil and natural gas waste pits and storage tanks for 26 shale gas producing states. The review

examined the state statutes and accompanying regulations but did not include a review of permitting decisions, compliance monitoring, or enforcement actions, nor did it conduct a detailed comparison of these state programs. As a result of this study, EPA found that while all 26 reviewed states have some type of oil and gas regulations, each state regulatory program can vary greatly in both scope and detail. State regulatory programs can include regulatory requirements covering pit construction, tank and tank battery construction, land application (land farming and land spreading), management in centralized waste treatment facilities, and disposal in landfills (e.g., municipal solid waste landfills, industrial landfills, or dedicated monofills). Specific technical requirements can cover liner types, pit freeboard, inspections, operational controls, wildlife intrusion protections, prohibition of construction of unlined pits on fill material, and closure and financial assurance requirements. Several regulatory gap areas included groundwater monitoring, air monitoring, and post closure care monitoring. EPA also found that numerous states have recently updated their regulations to include disclosure requirements for the chemicals used in the practice of hydraulic fracturing.

The purpose of this task order is to further develop and expand this initial exercise by collecting, analyzing, and summarizing the current state rules and regulations governing O&G waste. EPA has identified 32 O&G producing states plus 3 non-producing states that currently engage in O&G activities and which this analysis will cover. In addition, the purpose of this task order is to develop a draft "O&G Activities Reporting Form" that would allow facilities to readily identify their waste management practices in a uniform manner through a simple "fill-in the box" format. This would facilitate interstate comparisons and the ability to aggregate the reported parameters for nationwide study(ies).

TASKS:

Task One: Identify State Regulations for O&G Waste Management

The contractor will be provided with a list of 32 O&G producing states and 3 non-producing states for which state O&G waste regulations will be researched. The contractor shall begin with identifying O&G waste regulations for the following states which are top producers of onshore oil and/or gas: Texas, North Dakota, California, Pennsylvania, Oklahoma, New Mexico, and Colorado, followed by the remaining states in the order provided by the TOCOR. In addition to the specific requirements for O&G waste, the contractor shall also research and identify any state requirements that address or relate to the federal requirements in 40 CFR Part 257.3 (Criteria for Classification of Solid Waste Facilities and Practices) that are applicable to waste managed in that state. These federal requirements are: (1) floodplains; (2) endangered species, (3) surface water; (4) land application; (5) groundwater; (6) disease; (7) air quality; and (8) safety. The contractor shall also identify any requirement for state regulatory notifications (either electronically or hardcopy) that must be submitted to the state regarding the O&G waste activities at the facility, e.g., dimensions of an on-site in-ground pit, disposal location of temporary pits, and storage of cuttings and drilling muds. This will include any permit applications/forms for the well and/or associated waste management units. (See Texas, Michigan regulations as examples.)

The contractor shall identify technical regulations for O&G waste managed in: tanks, containers, surface impoundments (pits), and landfills, or used in the following ways: land application (land farming, land spreading), and beneficial use (e.g., roadspreading). The contractor shall further identify any practices that are required in the state, such as closed loop drilling systems, or recycling of produced water. The contractor shall identify all the technical requirements that apply to these management units such as definitions, siting criteria, lining and freeboard requirements, depth and/or slope of management unit, notifications, inspections, signage, fencing and netting requirements, pit-slope requirements, groundwater baseline and monitoring, run-on and run-off, closure, corrective action and financial warranty, post closure care or conditions that limit the use of O&G waste in various land applications or uses.

The contractor shall also identify those requirements that relate to different types of pits, such as reserve pits, temporary pits, emergency pits, disposal and storage pits, and inactive pits. Requirements that prohibit certain waste management activities in the state, e.g., prohibition on the use of pits and time ranges in which pits are used, shall also be identified. In addition, the contractor shall identify those state requirements that deal with pits/tanks storing radioactive sediments or other types of radioactive O&G waste (e.g., naturally occurring radioactive materials – NORM, and technically enhanced naturally occurring radioactive materials - TENORM). See the pit types and definitions described in the STRONGER 2015 Guidelines and the State Questionnaire, and the STRONGER state review reports (<http://www.strongerinc.org/>).

The contractor shall identify and make note of those requirements that are explicitly set out in the regulations and those that are determined on a site-specific basis by a regulatory authority, e.g., commission, board, or supervisor, in a permit or other operating approval document. These “conditions” are suggested but not explicitly spelled out in the regulations.

The contractor shall identify whether the regulations pertain to all O&G activities or only to specific aspects of O&G operations; e.g., hydraulic fracturing.

The contractor shall identify groundwater monitoring and/or groundwater sampling (pre- or post-operations) required for any O&G waste management units. The contractor shall also determine if drilling wells must monitor groundwater and note where and when and for which parameters the monitoring must occur.

In addition, the contractor shall identify any regulations that pertain to the off-site management of O&G waste, such as drill cuttings at land disposal units.

The contractor will collect this regulatory information and provide the TOCOR (1) with a hard copy of all the regulations and (2) convert it into a PDF.

Under the direction of the TOCOR, the contractor will supplement this regulatory information by developing a “standard” coversheet (1 page) that will be used to summarize the regulatory information from each of the researched states. The coversheet will also summarize state requirements that mirror the federal requirements found in Part 257. This coversheet (unpopulated), will then be submitted to the TOCOR for approval. Once the coversheet is approved by the TOCOR, the contractor shall begin populating the coversheet with the O&G

waste management regulations from each researched state. The contractor shall submit the first five completed forms to the TOCOR for approval before the remaining coversheets are completed.

The contractor shall participate in up to six 1-hour meetings (via teleconference or in person) with the TOCOR to discuss the status of the task and answer any questions the contractor may have. Sessions will be recorded by the TOCOR and the contractor will summarize each session as needed.

Selected References to Review:

1. US EPA, April 1, 2014. Memorandum. Review of State Oil and Natural Gas Exploration, Development, and Production (E&P) Solid Waste Management Regulations.
<https://www.epa.gov/hw/proper-management-oil-and-gas-exploration-and-production-waste>
2. ASTSWMO, March 2015. Oil and Gas Exploration and Production Waste Management. Survey Report. Beneficial Use Task Force of the ASTSWMO Materials Management Subcommittee.
http://www.astswmo.org/Files/Policies_and_Publications/Materials_Management/Final%20BUTF%20OilGas%20Survey%20Report%20March%202015.pdf
3. US DOE/NETL, Groundwater Protection Council, May 2009. State Oil and Natural Gas Regulations Designed to Protect Water Resources.
http://www.gwpc.org/sites/default/files/state_oil_and_gas_regulations_designed_to_protect_water_resources_0.pdf
4. State Review of Oil and Natural Gas Environmental Regulations, Inc. (STRONGER). State review reports. <http://www.strongerinc.org/state-reviews/>
5. State Review of Oil and Natural Gas Environmental Regulations, Inc. (STRONGER), 2015. STRONGER 2015 Guidelines. <http://www.strongerinc.org/guidelines/>
6. US EPA, 1987. Report to Congress on Management of Wastes from the Exploration, Development, and Production of Crude Oil, Natural Gas and Geothermal Energy. Vol. 1: <https://archive.epa.gov/epawaste/nonhaz/industrial/special/web/pdf/530sw88003a.pdf>
Vol 3: <https://archive.epa.gov/epawaste/nonhaz/industrial/special/web/pdf/530sw88003c.pdf>
7. US EPA, 1988. Regulatory Determination for Oil and Gas and Geothermal Exploration, Development and Production Wastes.
<https://archive.epa.gov/epawaste/nonhaz/industrial/special/web/pdf/og88wp.pdf>
8. US EPA, 2002. Exemption of Oil and Gas Exploration and Production Wastes from Federal Hazardous Waste Regulations.
<https://archive.epa.gov/epawaste/nonhaz/industrial/special/web/pdf/oil-gas.pdf>
9. US EPA, 2015. Assessment of the Potential Impacts of Hydraulic Fracturing for Oil and Gas on Drinking Water Resources (External Review Draft).
<https://cfpub.epa.gov/ncea/hfstudy/recordisplay.cfm?deid=244651>
10. US EPA, 2015. Proposed and Final CCR Rule. Preamble discussion on state programs.
<https://www.gpo.gov/fdsys/pkg/FR-2015-04-17/pdf/2015-00257.pdf>
11. Resources for the Future, Dec 2015, Pits versus Tanks: Risks and Mitigation Options for On-site Storage of Wastewater from Shale Gas and Tight Oil Development.
<http://www.rff.org/files/document/file/RFF-DP-15-53.pdf>

12. Resources for the Future, 2013. The State of State Shale Gas Regulation. <http://www.rff.org/research/publications/state-state-shale-gas-regulation>
13. Identification of State Requirements on Land Application and Land Farming of E&P Waste. Chart developed by Steve Souders, US EPA. (To be provided by the TOCOR.)
14. Natural Resources Defense Council, Sep 2010. Petition for Rulemaking Pursuant to Section 6974(a) of the Resource Conservation and Recovery Act Concerning the Regulation of Wastes Associated with the Exploration, Development, or Production of Crude Oil or Natural Gas or Geothermal Energy. https://www.nrdc.org/sites/default/files/ene_10091301a.pdf

US EPA Web pages:

Special Wastes – Crude Oil and Natural Gas Waste: <https://www.epa.gov/hw/special-wastes#crude>

Legislative and Regulatory Timeline for Crude Oil and Natural Gas Waste: <https://www.epa.gov/hw/legislative-and-regulatory-timeline-crude-oil-and-natural-gas-waste>

Additional references may be provided by the TOCOR.

Task Two: Identification and Collection of State Notifications.

Upon completion of Task One, the contractor will provide the TOCOR with a memorandum that identifies those states that require notification (either electronic or hardcopy) to the state of a facility's O&G waste activities. The contractor shall also identify which, if any, states provide Internet access to this information either as raw data or in summary form. The memorandum shall provide a comprehensive discussion and summary of the type of information reported on the identified "notification forms". For example, see: (1) Michigan's Department of Environmental Quality (MI DEQ) – Office of Oil, Gas, and Minerals requirements that before the issuance of a permit, the owner or operator of the well must complete and submit to the MI DEQ an "Environmental Impact Assessment" which includes, among other things, information on "Pit location and handling and disposal of drill cuttings, muds and fluids"; or (2) Form 1000 as identified in the Oklahoma Administrative Code (see 165:10-7-16. Use of noncommercial pits).

The contractor shall attach to the memorandum copies of all the "forms" identified.

The memorandum will also identify those regulatory requirements that provide for an inventory or reporting of O&G waste units. For example, under Illinois Administrative Code, Title 62, Part 240.860 (e)(4) – Pits, whereby "The Department shall prepare an inventory identifying by county all closed and unclosed liquid oil field or produced water storage pits."

The presentation of this information (e.g., narrative and/or table format) will be discussed with the TOCOR prior to developing the memorandum. Upon the approval of the TOCOR, the contractor will submit the deliverable within 6 weeks of the EPA TOCOR's decision.

The contractor shall participate in up to six 1-hour meetings (via teleconference or in person) with the EPA TOCOR to discuss the status of the task and answer any questions the contractor

may have. Sessions will be recorded by the EPA TOCOR and the contractor will summarize each session as needed.

Task Three: Develop a Spreadsheet of O&G Waste Requirements by State.

Using the state coversheets developed under Task One as an initial guide, the contractor shall design and populate a detailed spreadsheet which identifies by state, all the technical requirements (definitions, siting criteria, liner type and technical requirements for liners, inspections, closure requirements, post closure care, tank battery containment, maintenance of tanks, minimum freeboard, etc.) that pertain to the management of O&G waste.

Prior to populating the spread sheet, the contractor shall provide the TOCOR with copy of the proposed spreadsheet. Upon approval by the TOCOR, the contractor will begin with populating the spreadsheet with information that was previously collected as part of Task One. The contractor shall begin with the following states: Texas, North Dakota, California, Pennsylvania, Oklahoma, New Mexico, and Colorado.

Upon completion, the contractor shall submit the populated spreadsheet to the TOCOR for review and comment before proceeding with the information from the remaining states.

The spreadsheet shall also include any technical requirements that address or mirror the federal requirements for O&G waste at 40 CFR Part 257.

As part of this task, the contractor shall identify (i) when the regulations were last updated or modified (e.g., Indiana has recently supplemented their fracking regulations), and/or (ii) if there are current plans to update or modify the regulations, and/or whether there are any proposed regulations (e.g., Maryland, June 2016).

The contractor shall participate in up to six 1-hour meetings (via teleconference or in person) with the TOCOR to discuss the status of the task and answer any questions the contractor may have. Sessions will be recorded by the TOCOR and the contractor will summarize each session as needed.

Task Four: Develop a Report Summarizing and Comparing/Contrasting State O&G Waste Requirements.

The contractor shall develop a detailed report that compares and contrasts the technical requirements in each of the reviewed states. The contractor shall identify and discuss those technical requirements that are found in all or in a majority of the reviewed states as well as requirements that appear only in a few states. The contractor should also identify those states that require permits for O&G waste management units as well as state reporting requirements. The review should also include an assessment to characterize the dynamic nature of state regulatory programs and laws and a description of the changes in state programs. The report should also include the spreadsheets that were developed under Task Three and the notifications collected under Task Two.

The contractor shall participate in up to six 1-hour meetings (via teleconference or in person) with the TOCOR to discuss the status of the task and answer any questions the contractor may

have. Sessions will be recorded by the TOCOR and the contractor will summarize each session as needed.

Task Five: Develop a Waste Management Reporting Sheet

The contractor shall use the information developed in the previous tasks to develop a "Waste Management Plan" reporting form for owners or operators engaged in O&G waste management activities. This reporting form will allow an owner/operator to identify the types of waste management units at the site as well as characteristics of these units, liners, run-on-runoff controls, groundwater monitoring, etc. With the development of this form, an attempt will be made to establish a type of universal reporting form that will establish on a national basis, standards for reporting and analyzing O&G waste management data that includes information on the final disposition of the waste (e.g., UIC, landfill, etc.). The reporting form will be downloadable for use on a website and have a "check the box" format.

Prior to initiating this task, the contractor shall meet with the TOCOR to discuss possible options for developing the form. After this initial consultation with the TOCOR the contractor shall develop several "sample" reporting sheets for the TOCOR to review. As an example, the contractor should review the permit application form from New Mexico as a possible starting point with respect to length and format. The TOCOR shall then identify which reporting sheet the contractor should further develop into a final product.

The contractor shall participate in up to six 1-hour meetings (via teleconference or in person) with the TOCOR to discuss the status of the task and answer any questions the contractor may have. Sessions will be recorded by the TOCOR and the contractor will summarize each session as needed.

Level of Effort: 1,114

Period of Performance: Approximately 8 months

DELIVERABLES AND SCHEDULE

Task Number	Deliverable	Schedule
1	Draft coversheet for state regulations	5 weeks after start of task order
1	Final coversheet for state regulations	2 weeks after receiving comments from TOCOR
1	Submission of first five completed coversheets with hard copy and PDFs of regulations	2 weeks after finalizing coversheet for state regulations
1	Submission of remaining coversheet with hard copy and PDFs of regulations	10 weeks after start of task order
2	Draft memorandum of state notification requirements	9 weeks after start of task order
2	Final memorandum of state notification requirements	10 weeks after start of task order

3	Draft spreadsheet for state requirements	9 weeks after start of task order
3	Final spreadsheet for state requirements	2 weeks after receiving comments from TOCOR
3	Draft populated spreadsheet for six states	2 weeks after receiving comments from TOCOR
3	Final populated spreadsheet	12 weeks after start of task order
4	Draft Report on State Regulations	14 weeks after start of task order
4	Final Report on state regulations	4 weeks after receiving comments from TOCOR
5	Draft Waste Management Reporting Sheet	20 weeks after start of task order
5	Final Waste Management Reporting Sheet	2 weeks after receiving comments from TOCOR

The following terms and conditions are requirements of this task order:

TECHNICAL DIRECTION

In accordance with EPAAR 1552.237-237-71-Technical Direction, the Task Order Contracting Officer's Representative (TOCOR) will provide Technical Direction during the performance of this task order. Technical direction includes:

- (1) Instruction to the contractor that approves approaches, solutions, designs, or refinements; fills in details; completes the general description of work; shifts emphasis among work areas or tasks; and
- (2) Evaluation and acceptance of reports or other deliverables.

Technical Direction must be within the scope of the contract-level SOW. The TOCOR does not have the authority to issue Technical Direction which:

- (1) Requires additional work outside the scope of the contract or task order;
- (2) Constitutes a change as defined in the "changes" clause;
- (3) Causes an increase or decrease in the estimated cost of the contract or task order;
- (4) Alters the period of performance of the contract or task order; or
- (5) Changes any of the other expressed terms or conditions of the contract or task order.

Technical Direction will be issued in writing by the TOCOR, or confirmed by the TOCOR in writing within five (5) calendar days after oral issuance.